

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF WISCONSIN**

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In Re:

Chapter 7

Allen Jay Ebert  
Sheila Mary Ebert,

Case No: 11-21181-mdm

Debtors.

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Allen Jay Ebert  
Sheila Mary Ebert,

Adversary Case No: \_\_\_\_\_

Plaintiffs,

v.

HSBC Bank, Nevada, N.A.

Defendant.

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**COMPLAINT TO AVOID AND RECOVER PREFERENTIAL PAYMENTS FROM  
WAGES GARNISHED PRE-PETITION**

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**NOW COME** Allen & Shelia Ebert (collectively hereinafter "Plaintiffs"), by and through their attorneys, Buss Law Group, Ltd. by attorney Laurie A. Bigsby for their claim against HSBC Bank, Nevada, N.A. ("Defendant") and alleges and shows the Court as follows:

1. This Court has jurisdiction over this adversary proceeding pursuant to 28 U.S.C. Sections 1334 and 157 and 11 U.S.C. Section 547(b).
2. That on January 31, 2011 the Debtors filed a voluntary petition for relief under Chapter 7 of the United States Bankruptcy Code.
3. That the Defendant, HSBC Bank, Nevada, N.A., has its principal place of business at P.O. Box 5222, Carol Stream, IL 60197.
4. That on August 6, 2010 the Defendant commenced an earnings garnishment against the Plaintiff, Sheila Ebert.

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5. That, as a result of the earnings garnishment, the Defendant received \$1,963.68 within 90 days prior to the Bankruptcy filing.

6. That the aforementioned payments represent preferential payments to the Defendant and pursuant to Section 547 of the Bankruptcy Code, these payments are avoidable and recoverable because such payments were made while the Debtor was insolvent and within 90 days of the filing of the Debtor's Petition.

7. That the Debtors have claimed and listed on Schedule B of the Chapter 7 petition said \$1,963.68 as property exempt from execution pursuant to 11 U.S.C. sec. 522(d)(5) As set forth in the bankruptcy schedules filed herein and signed by Plaintiffs under penalty of perjury.

8. That the Defendant was listed as a creditor on the Debtor's Schedule F and Creditor Mailing Matrix.

9. That on March 19, 2011, Trustee John M. Scaffidi filed with the Court his Chapter 7 Trustee's Report of No Distribution.

10. That the Defendant had multiple communications with Buss Law Group, Ltd. and refused to cooperate and return garnished funds.

**WHEREFORE**, the Plaintiffs respectfully request the entry of an order requiring that HSBC Bank, Nevada, N.A. return to the Debtors, the garnished wages which were received within the 90 days of the Bankruptcy filing and for such further relief as may be just and equitable.

Dated this 13<sup>th</sup> day of May, 2011

**BUSS LAW GROUP, LTD.**

*/s/ Laurie A. Bigsby*

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